Case References: Ombudsman Case No. EBF–AJBH–309–2025 | Court Case No. 7.Kpk.750.239/2025/2

Administrative Obstruction in EU Medical Education: Erasmus+ Sanctions, International Student Discrimination, and Systemic Non-Compliance in Hungary

Author: Siddhartha Harsh Wardhan

Affiliation: Faculty of Medicine, Semmelweis University

Abstract

This paper examines the intersection between **EU sanctions on Hungary's higher education** sector, systemic mistreatment of international students at Semmelweis University, and ongoing whistleblower litigation. Following the **suspension of Erasmus+ funding to Hungary in 2022 due to concerns about the rule of law**, Hungarian universities—including Semmelweis—portrayed themselves as victims of EU discrimination. Yet, whistleblower evidence and administrative data reveal structural inequities, including the denial of compulsory anatomy labs, the use of degraded specimens, selective enforcement of **FM/CV registration, and attrition rates of 67.5%** among international students compared with ~20% among state-financed Hungarians. These findings demonstrate that Hungary cannot claim unfair EU treatment while perpetuating discriminatory practices against international students itself. The case highlights violations of Hungarian higher education law, Semmelweis University's internal regulations, the EU Charter of Fundamental Rights, and international accreditation standards (ESG, WFME).

ORCID iD: 0009-0005-4228-1124 (References 12 – **Administrative Obstruction in the EU Education: A Legal Case Study from Semmelweis University)** -- Original working paper

1. Introduction

In December 2024, Semmelweis University publicly declared that it was being 'unfairly discriminated against' because the European Commission decided to suspend Erasmus+ participation under **Council Implementing Decision (EU) 2022/2506**. While the university presented this as an external attack on its autonomy, documented whistleblower cases show that Semmelweis itself has engaged in practices that undermine the rights of international students.

2. Legal Framework

Hungarian Law:
- Act CCIV of 2011 on National Higher Education: guarantees equal access to compulsory study components and prohibits discrimination on grounds of nationality.
- Act CL of 2016 on Administrative Procedure: requires transparent, predictable, and non-arbitrary administrative measures.
- Act XXV of 2023 on Whistleblower Protection: implements Directive (EU) 2019/1937, ensuring confidentiality and non-retaliation for public interest disclosures.

Institutional Regulations (SZMSZ HKR):
- Article 5 – equal treatment.
- Article 11 – access to compulsory practicals.
- Article 13 – re-registration rights for FM courses.
- Article 29 – recognition of signatures.
- Article 45 – pre-degree certificate rights following completion of obligations.

European & International Law:
- EU Charter of Fundamental Rights: Article 21 – prohibition of discrimination; Article 47 – right to effective remedy.
- ESG Standards: adequate resources (1.6), fair assessment (1.3),

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transparency (1.2).
- WFME Standards: resource adequacy and valid assessment.

3. Case Study Evidence
Denial of Access: FM/CV students were denied access to dissection labs despite having made tuition payments and having a valid registration. Which are deficient specimens: photographic evidence showed missing structures and deterioration.
Overcrowding: lecture halls exceeded capacity, and attendance rules were applied inconsistently.
Oral Exam Bias: Internationals faced disproportionate questioning and a lack of clear guidelines or rubrics.
Attrition Data: 67.5% dropout for internationals, ~20% for domestic students.

4. Hungary as Victim vs Hungary as Violator
Semmelweis claims EU sanctions were unfair, yet evidence demonstrates discriminatory practices against international students. This contradiction undermines Hungary’s narrative in Brussels and supports EU conditionality—their

5. International Acknowledgments
The case has been acknowledged by:
- ECFMG (U.S.)
- WFME & FAIMER (redirected to MAB)
- Irish DFHERIS. This elevates the case from a private grievance to an internationally monitored compliance issue.

6. Legal Analysis
The denial of lab access, deficient specimens, and overcrowding amount to violations of:
- SZMSZ Articles 5, 11, 29, 45.
- Act CCIV/2011.
- EU Charter (Arts. 21 & 47).
- ESG/WFME standards.
Additionally, suppression of disclosures violated Act XXV/2023.

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7. Policy Recommendations

1. Tie Erasmus+/Horizon Europe funding restoration to compliance.
2. Publish attrition data by nationality.
3. Independent audits of resources and oral exams are required.
4. Enforce whistleblower protection compliance.
5. Strengthen cross-border oversight via WFME/ECFMG/FAIMER.

8. Conclusion

Hungary portrays itself as a victim of EU sanctions while systematically mistreating international students. The Semmelweis case demonstrates structural discrimination and breaches of law. Brussels should reframe Erasmus+ conditionality as a safeguard for student rights and educational integrity.

References (OSCOLA Style)

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